

Notice of Allowability

Application No.

10/828,638

Examiner

Joseph E. Avellino

Applicant(s)

SHAFFER ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response dated 7/10/06.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The prior art of record does not provide for, nor suggests providing for a system having multiple information servers, the first information server receiving a request, receiving a consumer identifier, and sending this consumer identifier to a second server separate from the first server, converting the consumer identifier into a Linkage Key, then sending the Linkage Key to a Linkage Key database system which compares the linkage key to the consumer database in order to retrieve consumer data related to the entity and transmitting this back to the first information server. The first information server is a merchant server which receives a transaction request, which then queries the second server for information regarding the consumer. The Linkage Key is defined to be a data value used to associate in real-time information located in multiple databases or network nodes. Numerous values which are able to be used as Linkage Keys are given in the specification in ¶ 50. The Linkage Keys are generated from the consumer identifier, which is considered the Linkage Key Input parameter Values, which can be various values, which are given in the specification in ¶ 48. This case is a child case of patent no. 6,748,426 which has also been terminally disclaimed. Therefore the reasons provided in the parent case also apply to this child case.

The closest prior art of reference would be Merriman and Shaffer (USPN 5,901,214). The invention is different than the Merriman reference because Merriman is used to select advertisements to the user and not consumer data related to the entity back to the first information server. The advertising server process 19 of Merriman

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sends the advertisement via arrow 24 back to the user's browser 16. This is clearly different and patently distinguishable from the claimed invention. Shaffer '214 does not provide the multiple information servers as are provided in the claimed invention. It does not provide a merchant server to submit a consumer identifier to a second server which converts the consumer identifier into a Linkage Key, submits the Linkage Key to a Linkage Key database system which returns consumer data back to the merchant server. Shaffer '214 is directed to a voice response unit which provides services to a caller (e.g. abstract). For these reasons, in conjunction with the other limitations of the independent claims, puts this case in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph E. Avellino whose telephone number is (571) 272-3905. The examiner can normally be reached on Monday-Friday 7:00-4:00.

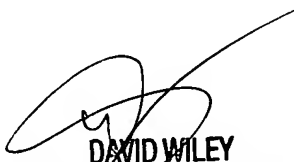
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Joseph E. Avellino, Examiner
August 28, 2006



DAVID WILEY
SUPERVISOR, PATENT EXAMINER
TECHNOLOGY CENTER 2100